

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-01278-RBW**

LEOPOLD et al v. U.S. DEPARTMENT OF JUSTICE et al
Assigned to: Judge Reggie B. Walton
Case: 1:19-cv-00810-RBW
Cause: 05:552 Freedom of Information Act

Date Filed: 05/02/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

JASON LEOPOLD

represented by **Merrick Jason Wayne**
LOEVY & LOEVY
311 N. Aberdeen Street
Third Floor
Chicago, IL 60607
(312) 243-5900
Fax: (312) 243-5902
Email: merrick@loevy.com
ATTORNEY TO BE NOTICED

Matthew Topic
LOEVY & LOEVY
311 N. Aberdeen Street
Third Floor
Chicago, IL 60607
(312) 243-5900
Fax: (312) 243-5902
Email: matt@loevy.com
ATTORNEY TO BE NOTICED

Plaintiff

BUZZFEED INC.

represented by **Merrick Jason Wayne**
(See above for address)
ATTORNEY TO BE NOTICED

Matthew Topic
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF JUSTICE

represented by **Courtney Danielle Enlow**
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20005
(202) 616-8467
Email: courtney.d.enlow@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth J. Shapiro
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20530
(202) 514-5302
Fax: (202) 616-8470

Email: Elizabeth.Shapiro@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

**DOJ OFFICE OF ATTORNEY
GENERAL**

represented by **Courtney Danielle Enlow**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth J. Shapiro
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**DOJ DEPUTY ATTORNEY
GENERAL**

represented by **Courtney Danielle Enlow**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth J. Shapiro
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**DOJ OFFICE OF SPECIAL
COUNSEL**

represented by **Courtney Danielle Enlow**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth J. Shapiro
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**FEDERAL BUREAU OF
INVESTIGATION**

represented by **Courtney Danielle Enlow**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth J. Shapiro
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Interested Party

CABLE NEWS NETWORK, INC.
Cable News Network, Inc.

represented by **Charles D. Tobin**
BALLARD SPAHR LLP
1909 K Street, NW
12th Floor
Washington, DC 20006
(202) 661-2218
Fax: (202) 661-2299
Email: tobinc@ballardspahr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew E. Kelley
 BALLARD SPAHR LLP
 1909 K Street, NW
 12th Floor
 Washington, DC 20006
 (202) 508-1112
 Fax: (202) 661-2299
 Email: kelley@ballardspahr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/02/2019	<u>1</u>	COMPLAINT against DOJ DEPUTY ATTORNEY GENERAL, DOJ OFFICE OF ATTORNEY GENERAL, DOJ OFFICE OF SPECIAL COUNSEL, FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE (Filing fee \$ 400 receipt number 0090-6097749) filed by JASON LEOPOLD, BUZZFEED INC.. (Attachments: # <u>1</u> Civil Cover Sheet Civil Cover Sheet, # <u>2</u> Summons Summons)(Topic, Matthew) (Entered: 05/02/2019)
05/03/2019		Case Assigned to Judge Colleen Kollar-Kotelly. (zef,) (Entered: 05/03/2019)
05/03/2019	<u>2</u>	SUMMONS (7) Issued Electronically as to DOJ DEPUTY ATTORNEY GENERAL, DOJ OFFICE OF ATTORNEY GENERAL, DOJ OFFICE OF SPECIAL COUNSEL, FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef,) (Entered: 05/03/2019)
05/09/2019	<u>3</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 5/9/19. (DM) (Entered: 05/09/2019)
05/15/2019	<u>4</u>	NOTICE of Appearance by Matthew Topic on behalf of BUZZFEED INC., JASON LEOPOLD (Topic, Matthew) (Entered: 05/15/2019)
05/15/2019	<u>5</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by BUZZFEED INC., JASON LEOPOLD (Topic, Matthew) (Entered: 05/15/2019)
05/23/2019	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DOJ DEPUTY ATTORNEY GENERAL served on 5/14/2019 (Topic, Matthew) (Entered: 05/23/2019)
05/23/2019	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DOJ OFFICE OF ATTORNEY GENERAL served on 5/14/2019 (Topic, Matthew) (Entered: 05/23/2019)
05/23/2019	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DOJ OFFICE OF SPECIAL COUNSEL served on 5/14/2019 (Topic, Matthew) (Entered: 05/23/2019)
05/23/2019	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL BUREAU OF INVESTIGATION served on 5/13/2019 (Topic, Matthew) (Entered: 05/23/2019)
05/23/2019	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 05/14/2019. (Topic, Matthew) (Entered: 05/23/2019)
05/23/2019	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 5/14/2019. Answer due for ALL FEDERAL DEFENDANTS by 6/13/2019. (Topic, Matthew) (Entered: 05/23/2019)
05/23/2019	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 5/14/2019 (Topic, Matthew) (Entered: 05/23/2019)

		05/23/2019)
06/13/2019	<u>13</u>	NOTICE of Appearance by Courtney Danielle Enlow on behalf of All Defendants (Enlow, Courtney) (Entered: 06/13/2019)
06/13/2019	<u>14</u>	ANSWER to Complaint by DOJ DEPUTY ATTORNEY GENERAL, DOJ OFFICE OF ATTORNEY GENERAL, DOJ OFFICE OF SPECIAL COUNSEL, FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L)(Enlow, Courtney) (Entered: 06/13/2019)
06/14/2019	<u>15</u>	ORDER. The parties shall file the schedule not later than JULY 14, 2019 . See Order for further details. Signed by Judge Colleen Kollar-Kotelly on June 14, 2019. (lcckk1) (Entered: 06/14/2019)
06/14/2019		Set/Reset Deadlines: Joint Meet & Confer Statement due by 7/14/2019. (dot) (Entered: 06/14/2019)
07/03/2019	<u>16</u>	MOTION to Consolidate Cases <i>with CNN v. FBI, No. 19-1626</i> by DOJ DEPUTY ATTORNEY GENERAL, DOJ OFFICE OF ATTORNEY GENERAL, DOJ OFFICE OF SPECIAL COUNSEL, FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Enlow, Courtney) (Entered: 07/03/2019)
07/03/2019	<u>17</u>	Memorandum in opposition to re <u>16</u> MOTION to Consolidate Cases <i>with CNN v. FBI, No. 19-1626</i> filed by BUZZFEED INC., JASON LEOPOLD. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Topic, Matthew) (Entered: 07/03/2019)
07/10/2019	<u>18</u>	REPLY to opposition to motion re <u>16</u> MOTION to Consolidate Cases <i>with CNN v. FBI, No. 19-1626</i> filed by DOJ DEPUTY ATTORNEY GENERAL, DOJ OFFICE OF ATTORNEY GENERAL, DOJ OFFICE OF SPECIAL COUNSEL, FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Enlow, Courtney) (Entered: 07/10/2019)
07/15/2019	<u>19</u>	Memorandum in opposition to re <u>16</u> MOTION to Consolidate Cases <i>with CNN v. FBI, No. 19-1626</i> filed by CABLE NEWS NETWORK, INC.. (Attachments: # <u>1</u> Exhibit A Order in 15-mc-1188)(Tobin, Charles) (Entered: 07/15/2019)
07/15/2019	<u>20</u>	Joint STATUS REPORT by DOJ DEPUTY ATTORNEY GENERAL, DOJ OFFICE OF ATTORNEY GENERAL, DOJ OFFICE OF SPECIAL COUNSEL, FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Enlow, Courtney) (Entered: 07/15/2019)
07/16/2019	<u>21</u>	SUPPLEMENTAL MEMORANDUM to re <u>19</u> Memorandum in Opposition <i>to Motion to Consolidate</i> filed by CABLE NEWS NETWORK, INC.. (Tobin, Charles) (Entered: 07/16/2019)
07/22/2019	<u>22</u>	REPLY to opposition to motion re <u>16</u> MOTION to Consolidate Cases <i>with CNN v. FBI, No. 19-1626</i> filed by DOJ DEPUTY ATTORNEY GENERAL, DOJ OFFICE OF ATTORNEY GENERAL, DOJ OFFICE OF SPECIAL COUNSEL, FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Enlow, Courtney) (Entered: 07/22/2019)
08/06/2019	<u>23</u>	NOTICE of Appearance by Merrick Jason Wayne on behalf of BUZZFEED INC., JASON LEOPOLD (Wayne, Merrick) (Entered: 08/06/2019)
08/09/2019	<u>24</u>	NOTICE of Appearance by Elizabeth J. Shapiro on behalf of All Defendants (Shapiro, Elizabeth) (Entered: 08/09/2019)
08/27/2019	<u>25</u>	Partial MOTION for Judgment on the Pleadings by DOJ DEPUTY ATTORNEY GENERAL, DOJ OFFICE OF ATTORNEY GENERAL, DOJ OFFICE OF SPECIAL COUNSEL, FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order, # <u>3</u> Statement of Facts, # <u>4</u> Exhibit A – Brinkmann Declaration, # <u>5</u> Exhibit B – Hardy Declaration, # <u>6</u> Exhibit C – emails, # <u>7</u> Exhibit D – emails)(Enlow, Courtney) (Entered: 08/27/2019)

09/03/2019		MINUTE ORDER: The Court has received Defendants' <u>16</u> Motion for Consolidation requesting that this case be consolidated with Cable News Network v. Federal Bureau of Investigation, No. 19-cv-1626 (D.D.C.), assigned to Judge Royce C. Lamberth. This case is in the process of being reassigned to Judge Reggie B. Walton, by his consent, as related to his case Electric Privacy Information Center v. United States Department of Justice, No. 19-cv-810 (D.D.C.). Accordingly, Defendants' Motion is DENIED as moot. Signed by Judge Colleen Kollar-Kotelly on September 3, 2019. (lcckk1) (Entered: 09/03/2019)
09/04/2019	<u>26</u>	Case directly reassigned to Judge Reggie B. Walton as there is an earlier related case. Judge Colleen Kollar-Kotelly is no longer assigned to the case. (rj) (Entered: 09/04/2019)
09/05/2019	<u>27</u>	MOTION to Consolidate Cases by DOJ DEPUTY ATTORNEY GENERAL, DOJ OFFICE OF ATTORNEY GENERAL, DOJ OFFICE OF SPECIAL COUNSEL, FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order)(Enlow, Courtney) (Entered: 09/05/2019)
09/10/2019	<u>28</u>	Memorandum in opposition to re <u>27</u> MOTION to Consolidate Cases filed by CABLE NEWS NETWORK, INC.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Tobin, Charles) (Entered: 09/10/2019)
09/10/2019	<u>29</u>	Memorandum in opposition to re <u>25</u> Partial MOTION for Judgment on the Pleadings filed by BUZZFEED INC., JASON LEOPOLD. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Statement of Facts Plaintiffs' Response to Defendants' Statement of Facts, # <u>4</u> Text of Proposed Order)(Topic, Matthew) (Entered: 09/10/2019)
09/12/2019	<u>30</u>	ORDER. In accordance with the reasons stated in the attached Order, it is hereby ORDERED that the parties in the above-captioned cases shall appear before the Court on October 1, 2019, at 11:00 a.m. to discuss why these cases should not be consolidated or deemed related. Signed by Judge Reggie B. Walton on September 12, 2019. (lcrbw1) (Entered: 09/12/2019)
09/17/2019	<u>31</u>	REPLY to opposition to motion re <u>27</u> MOTION to Consolidate Cases filed by DOJ DEPUTY ATTORNEY GENERAL, DOJ OFFICE OF ATTORNEY GENERAL, DOJ OFFICE OF SPECIAL COUNSEL, FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Enlow, Courtney) (Entered: 09/17/2019)
09/17/2019	<u>32</u>	REPLY to opposition to motion re <u>25</u> Partial MOTION for Judgment on the Pleadings filed by DOJ DEPUTY ATTORNEY GENERAL, DOJ OFFICE OF ATTORNEY GENERAL, DOJ OFFICE OF SPECIAL COUNSEL, FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Enlow, Courtney) (Entered: 09/17/2019)
10/01/2019		Minute Entry; for proceedings held before Judge Reggie B. Walton: Status Conference held on 10/1/2019. Production/Scheduling Order to issue via chambers. Status Conference set for 11/13/2019 at 09:30 AM in Courtroom 16 before Judge Reggie B. Walton. (Court Reporter Cathryn Jones) (hs) (Entered: 10/02/2019)
10/03/2019	<u>33</u>	ORDER. See attached Order for details. Signed by Judge Reggie B. Walton on October 3, 2019. (lcrbw1) (Entered: 10/03/2019)
11/07/2019	<u>34</u>	RESPONSE re <u>25</u> Partial MOTION for Judgment on the Pleadings <i>Plaintiffs' Supplemental Response to Defendants' Motion for Judgment on the Pleadings</i> filed by BUZZFEED INC., JASON LEOPOLD. (Topic, Matthew) (Entered: 11/07/2019)
11/08/2019	<u>35</u>	REPLY to opposition to motion re <u>25</u> Partial MOTION for Judgment on the Pleadings filed by DOJ DEPUTY ATTORNEY GENERAL, DOJ OFFICE OF ATTORNEY GENERAL, DOJ OFFICE OF SPECIAL COUNSEL, FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Exhibit)(Enlow, Courtney) (Entered: 11/08/2019)
11/12/2019	<u>36</u>	RESPONSE <u>33</u> by CABLE NEWS NETWORK, INC.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Tobin, Charles) Modified on 11/13/2019 (ztd). (Entered: 11/12/2019)

11/12/2019	<u>37</u>	STATUS REPORT by BUZZFEED INC., JASON LEOPOLD. (Topic, Matthew) (Entered: 11/12/2019)
11/12/2019	<u>38</u>	RESPONSE to Court Order by DOJ DEPUTY ATTORNEY GENERAL, DOJ OFFICE OF ATTORNEY GENERAL, DOJ OFFICE OF SPECIAL COUNSEL, FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE re <u>33</u> Order on Motion to Consolidate Cases (Attachments: # <u>1</u> Declaration, # <u>2</u> Declaration)(Enlow, Courtney) Modified on 11/13/2019 text (ztd). (Entered: 11/12/2019)
11/13/2019		NOTICE OF ERROR re <u>38</u> Notice (Other); emailed to courtney.d.enlow@usdoj.gov, cc'd 11 associated attorneys -- The PDF file you docketed contained errors: 1. DO NOT REFILE. FYI, The event for this type of filing is under Oppositions and Replies then select Response to Order. (ztd,) (Entered: 11/13/2019)
11/13/2019		Minute Entry; for proceedings held before Judge Reggie B. Walton: Status Conference held on 11/13/2019. Written Order to issue via Chambers. Status Conference set for 11/25/2019 at 02:00 PM in Courtroom 16 before Judge Reggie B. Walton. (Court Reporter Cathryn Jones) (hs) (Entered: 11/13/2019)
11/19/2019	<u>39</u>	ORDER. See attached Order for details. Signed by Judge Reggie B. Walton on November 19, 2019. (lcrbw1) (Entered: 11/19/2019)
11/20/2019	<u>40</u>	MOTION to Clarify re <u>39</u> Order by DOJ DEPUTY ATTORNEY GENERAL, DOJ OFFICE OF ATTORNEY GENERAL, DOJ OFFICE OF SPECIAL COUNSEL, FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE (Enlow, Courtney) (Entered: 11/20/2019)
11/20/2019		MINUTE ORDER. Upon consideration of the <u>40</u> Defendant's Motion for Clarification, and for good cause shown, it is hereby ORDERED that this motion is GRANTED. It is further ORDERED that, on or before December 2, 2019, the United States Department of Justice (the "Department") shall produce FBI FD-302 forms, including any handwritten notes and attachments to the typewritten narrative, in accordance with the terms of the Court's October 3, 2019 Order, ECF No. 33. It is further ORDERED that, beginning on December 2, 2019, and until otherwise ordered by the Court, the Department shall, on a monthly basis, process at least five hundred (500) pages of only the typewritten narratives of the FBI FD-302 forms (unless fewer than five hundred (500) pages remain, in which case the remaining balance shall be processed). It is further ORDERED that, on January 2, 2020, and on the first day of every month thereafter (or on the next business day if the first is a not a business day), the Department shall produce the non-exempt portions of the typewritten narratives of the FBI FD-302 forms. Signed by Judge Reggie B. Walton on November 20, 2019. (lcrbw1) (Entered: 11/20/2019)
11/20/2019	<u>41</u>	RESPONSE TO ORDER re <u>39</u> Order by DOJ DEPUTY ATTORNEY GENERAL, DOJ OFFICE OF ATTORNEY GENERAL, DOJ OFFICE OF SPECIAL COUNSEL, FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE (Enlow, Courtney) Modified text on 11/21/2019 (ztd). (Entered: 11/20/2019)
11/21/2019		NOTICE OF ERROR re <u>41</u> Notice (Other); emailed to courtney.d.enlow@usdoj.gov, cc'd 12 associated attorneys -- The PDF file you docketed contained errors: 1. Incorrect event used, 2. Do Not Refile. FYI: In the future, select Response to Order under Oppositions and Replies. (ztd,) (Entered: 11/21/2019)
11/21/2019		Set/Reset Hearings: Status Conference reset for 11/25/2019 at 02:30 PM in Courtroom 16 before Judge Reggie B. Walton. (hs) (Entered: 11/21/2019)
11/22/2019	<u>42</u>	ENTERED IN ERROR. . . . MOTION for Reconsideration of Defendants' request for a stay by BUZZFEED INC., JASON LEOPOLD (Attachments: # <u>1</u> Text of Proposed Order)Associated Cases: 1:19-cv-01278-RBW, 1:19-cv-01626-RBW(Topic, Matthew) Modified on 11/22/2019 (ztd). (Entered: 11/22/2019)
11/22/2019	<u>43</u>	MOTION for Preliminary Injunction by BUZZFEED INC., JASON LEOPOLD (Attachments: # <u>1</u> Text of Proposed Order)Associated Cases: 1:19-cv-01278-RBW, 1:19-cv-01626-RBW(Topic, Matthew) (Entered: 11/22/2019)
11/22/2019	<u>44</u>	ERRATA Motion for Reconsideration Motion to Reconsider Stay by BUZZFEED INC., JASON LEOPOLD. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed

		Order)Associated Cases: 1:19-cv-01278-RBW, 1:19-cv-01626-RBW(Topic, Matthew) Modified on 11/22/2019 (ztd). (Entered: 11/22/2019)
11/22/2019	<u>45</u>	RESPONSE TO ORDER OF THE COURT re <u>39</u> Order <i>Plaintiffs' Response to DOJ's November 20, 2019 Response</i> filed by BUZZFEED INC., CABLE NEWS NETWORK, INC., JASON LEOPOLD. (Tobin, Charles) (Entered: 11/22/2019)